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MAR 08 2006

In re Application of	:	OFFICE OF PETITIONS
Ronald A. Katz	:	
Application No. 10/724,330	:	DECISION ON PETITION
Filed: November 26, 2003	:	
Attorney Docket No. 6046-101N8	:	

This is a decision on the petition under 37 CFR 1.181, filed on February 14, 2006, to withdraw the holding of abandonment.

On June 2, 2005, the Office mailed a nonfinal Office action, which set a three-month shortened statutory period to reply. On December 9, 2005 (certificate of mailing dated December 2, 2005), petitioner obtained an extension of time for response within the third month. On December 19, 2005, the Office mailed a Notice of Abandonment.

Petitioner asserted that a proper response was filed timely. In support of the petition, petitioner submitted a copy of a returned, date-stamped postcard receipt,<sup>1</sup> acknowledging receipt of a Transmittal Letter (1 pg.), Petition for Extension of Time (1 pg.) and an "Amendment and Response to Office Action" (11 pgs.) in the USPTO on December 9, 2005. The copy of the Transmittal Letter, submitted with the original response, contained a certificate of mailing dated December 2, 2005. Copies of the documents are included with this petition.

The Office located the original "Amendment and Response to Office Action," Petition for Extension of Time, and Transmittal Letter, containing a certificate of mailing dated December 2, 2005. Additionally, the USPTO finance records indicated that the Office charged petitioner's Deposit Account for a \$510.00 extension of time fee on December 9, 2005.

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<sup>1</sup> Section 503 of the MPEP states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO."

After reviewing the record and the papers submitted on petition, the response is considered timely filed on December 2, 2005.<sup>2</sup> Accordingly, the petition is **granted**. The Notice of Abandonment is hereby withdrawn. The application is restored to pending status in view of the fact that a response was timely submitted on December 2, 2005.

The matter is being referred to the Technology Center Art Unit 2643 for a review of the amendment submitted on December 9, 2005 (certificate of mailing dated December 2, 2005).

Telephone inquiries specifically concerning this decision should be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

*Christina Tartera Donnell*

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<sup>2</sup> See 37 CFR 1.8(a).